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MISCELLANY.

Common-Law Marriages.—In upholding a common-law marriage and decreeing that marriage is not a contract, but a status created by mutual consent by one man and one woman, the Supreme Court of Texas in *Grigsby v. Reib*, 153 Southwestern Reporter, 1124, says: "Marriage was not originated by human law. When God created Eve, she was a wife to Adam; they then and there occupied the status of husband to wife and wife to husband. When God turned the first pair out of the garden, He gave the command: 'Multiply and replenish [people] the earth'—which was enjoined upon their expulsion from the garden. When Noah was selected for salvation from the flood, he and his wife and his three sons and their wives were placed in the Ark; and, when the flood waters had subsided and the families came forth, it was Noah and his wife and each son and wife, and God repeated to them the command: 'Multiply.' All of the duties and obligations that have existed at any time between husband and wife existed between those husbands and wives before civil government was formed. The truth is, that civil government has grown out of marriage; marriage by cohabitation, not by contract, which created homes, and population, and society, from which government became necessary to settle differences in matters of private interest, to protect the weak, and to conserve the moral forces of society, to the support of religion and free government."

Judges and the Silent Oyster.—The trial judge in the case of *Edwards v. Mt. Hood Const. Co.*, 130 Pacific Reporter, 49, after hearing plaintiff's side of the matter in judgment and before defendant had been heard, made a remark to defendant's attorney to the effect that his case was "infamous" and that his client should never have a judgment. The Supreme Court of Oregon holds that such language should never be used in a court of justice, that the duty of a judge is to see that both sides of the case have a fair hearing, and that the jury renders an impartial verdict without any suggestion or comment from the court as to what verdict ought to be gathered. This follows: "The writer knows from experience on the circuit bench that it is sometimes very difficult for a judge to refrain from making comments on a case during the progress of the trial, and especially where an apparent injustice seems to have been perpetrated; but after a reversal or two, occasioned by this practice, he concluded to go, not to the ant, but to the meek and lowly oyster, to 'consider its ways and be wise,' and to keep the judicial mouth shut. He commends the example of the silent oyster to all trial judges."

Money That No One Claims.—Twenty millions of unclaimed money in the coffers of British banks—derelict gold which nobody owns, and which the banks are naturally pleased to take care of? Gold more than sufficient to pave every square foot of Cheapside with sovereigns.

The sum total may be exaggerated. But make a liberal deduction, and you still have many millions to which no rightful owners make a claim. There is no bank in the whole length of Great Britain (or elsewhere) which has not its lists of these trivial sums, scarcely worth the trouble of pocketing; some are bank balances that may be said to go a-begging. Some are for amounts running into thousands.

Some years ago, when Mr. Goschen's conversion scheme was in the air, it was found that the Bank of England alone had nearly 11,000 of these dormant accounts. Forty of them had more than \$50,000 apiece to their credit; one balance was written in six figures—907,990. The total at the bottom of the long list was \$39,248,875. This amount was very largely made up of unclaimed dividends on government stock.

Scottish banks have, it is said, \$45,000,000 of this overlooked gold. English banks at least double this sum. How does it come there? And what becomes of it?

It seems inconceivable that so much money, for all of which there must have been owners at some time or other, should be thus lost to sight. A score or more of simple causes account for the seeming impossibility. A man may for private or business reasons, have accounts with more banks than one. He dies, his executors know nothing of any but his usual banks; the balance at the others remain unclaimed.

He may die abroad, or disappear, leaving no clew to his banking affairs; he may even forget that such an account is not closed. In these and many similar ways—mostly the result of carelessness—money is left in the hands of bankers to swell the dormant funds.

For seven years the bankers keep the accounts open, prepared to pay over the balance to any who can prove a title to it. This term expired, they regard the forgotten gold as their own. Five million dollars of such ownerless money went to build London's splendid law courts. The city, it is said, has more than one magnificent bank building reared from the same handy material. The Bank of England, one learns, provides pensions for clerks' widows out of such a fund.

But, whatever becomes of it, these millions of "mystery gold" are always growing, fed by man's carelessness or forgetfulness, their secrets hidden away in thousands of musty bank ledgers.—London Tit-Bits.